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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,598	03/23/2001	Anthony Frank Menninger	41556/04736 (RSIIP082)	7210

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EXAMINER

GORT, ELAINE L

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/815,598

**Applicant(s)**

MENNINGER, ANTHONY FRANK

**Examiner**

Elaine Gort

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4.7.8.11</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-6 in Paper No. 10 is acknowledged.

Claims 7-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

***Double Patenting***

2. Claims 1-6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all the claims filed in the following Applications because they are not patentably distinct:

09/815490  
09/815590  
09/815668  
09/815845  
09/815864  
09/816021  
09/816069  
09/816101  
09/816187  
09/816231  
09/816249  
09/816268  
09/816285  
09/816314  
09/816426  
09/816454  
09/816471  
09/816488  
09816491  
09/816565  
09/816896

***Drawings***

3. The drawings were received on 7/6/01. These drawings are approved.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is being claimed in regard to the terms "maximum number of supplier sources" in claim 1 line 9. This appears inconsistent with the terminology used within the specification (such as figure 179 and beginning page 274) which seems to indicate what is meant is the maximum number of FOBs (free on board—shipping requirements). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims and thus the Examiner will interpret the limitation "maximum number of supplier sources" with the broadest reasonable meaning.

It is unclear what is being claimed in regard to the terms "pricing method" in claim 1 line 9. This appears inconsistent with the terminology used within the specification (such as figure 179 and beginning on page 274 of the specification) which seems to indicate what is meant is the ability to specify within the request who is responsible for shipping costs and liability during shipping. Although the claims are interpreted in light

of the specification, limitations from the specification are not read into the claims and thus the Examiner will interpret the limitation "pricing method" with the broadest reasonable meaning.

It is unclear what is being claimed in regard to the terms "invoice adjustment" in claim 1 line 9. The specification (such as figure 179 and beginning page 274) defines it as any upcharge or downcharge on the invoice. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims and thus the Examiner will interpret the limitation "invoice adjustment" with the broadest reasonable meaning.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. (US Patent 4,799,156) in view of Microsoft Computer Dictionary and Examiner's Official Notice.

Shavit et al. discloses the claimed method for analysis version control in a supply chain management framework but is silent regarding the use of a graphical user interface and is silent regarding what specific parameters can be changed, such as a

pricing method and an invoice adjustment, in order to obtain additional analysis versions (quotes or bids).

Microsoft Dictionary discloses that it is known in the art to provide a graphical user interface to allow a user to select and activate icons, menus, and dialog boxes on a screen by pointing and clicking with a mouse or with the keyboard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Shavit et al. with the graphical user interface taught in the Microsoft Computer Dictionary, in order to allow a user to select and activate icons, menus, and dialog boxes on a screen by pointing and clicking with a mouse or with the keyboard.

Examiner takes Official Notice that it is notoriously old and well known in the art of obtaining price quotes/bids for a buyer to specify criteria such as who is to pay for shipping and/or who assumes liability of the products while shipping, which are "pricing methods," and it is also notoriously old and well known for the buyer to specify additional criteria such as information relating to tax calculations, delivery date requirements, including for example discounts for late delivery or bonuses for early delivery, early payment discounts, late payment penalty fees, quality requirements, quantity discounts, etc... which are "invoice adjustments" as they incorporate any adjustment to an invoice. All of these criteria specified by a buyer help the buyer compare bids to one another in order to determine which supplier and scenario provides the best offer in relation to the buyer's specific requirements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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provide the method of Shavit et al. and Microsoft Computer Dictionary, as modified above with the ability of buyers to specify criteria as discussed above in the Examiner's Official Notice in order to allow a buyer to compare various quotes/bids to one another to determine which supplier and scenario provides the best offer in relation to the buyer's specific requirements. For example, the buyer may find that by the buyer paying for shipping or paying off the balance of the invoice early they can save considerable costs.

Shavit et al. discloses a method for analysis version control (such as performing the preparation of bids from requests for quotation (RFQ)) within a supply chain management framework (for example see figure 2) comprising:

Maintaining a plurality of separate versions (bids/quotes) of an analysis in a database (the bids/quotes are generated and sent and stored in a database for delivery to buyers who can keep it for later reference, for example see column 11, lines 65+ and column 13, lines 20+);

Receiving a request for an additional version of the analysis (buyers may modify their requests and retransmit the RFQ several times, column 13, lines 31+; buyers may generate one or more RFQ's to different buyers column 12, lines 54+ and column 13, lines 10+);

Generating the additional version of the analysis in response to the request (once the RFQ (request) is received the system begins to prepare a bid/quote, for example see column 13, lines 16+);

Allowing a plurality of parameters of the additional version to be changed when they enter or modify a request for quotation (for example distributors may present different choices in their menu, column 12, lines 54+);

(claim 2) Where the additional version of the analysis is named in accordance with a variance associated with the additional version (each quote is saved as a document file and inherently must be named with a different name which indicates a variance in order to differentiate the different bids, column 11, lines 65+ discuss that document files are generated);

(claim 4) where the analysis is a least cost analysis (Examiner is broadly construing this term to incorporate that the bid is generated and based on the lowest possible cost at which the seller wishes to offer the products/services to the buyer; also the goal of the buyer in using this system is to procure products or services for the lowest cost possible in order to increase profitability); and

(claim 5) where the request is received utilizing a network (for example see figures 1 and 2 and column 5 lines 15+ which disclose a computerized network system for interactive communications of buyers and sellers at remote sites).

Regarding claims 3 and 6, regarding the use of icons and the ability to change versions (requests for bids/quotes) utilizing a plurality of fields on the graphical user interface, it would have been obvious to one of ordinary skill in the art of computer software design to provide a user when desiring to request an additional version of the analysis (bid/quote) of Shavit et al. with the ability to select an icon and/or modify a plurality of fields within a graphical user interface as taught by Microsoft Dictionary in



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order to select the option and change parameters by pointing and clicking with a mouse or with the keyboard.

Note: Examiner has construed the limitations in claim 1, lines 7-10 to require that at least two of the parameters in the Markush group are claimed as the claim states that there be a "plurality of parameters" in line 7.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Elaine Gort



Examiner, Art Unit 3627

April 19, 2004